

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNITED STATES OF AMERICA**

§

**v.**

§

**CRIMINAL No. 6:97cr43**

**JIMMY LEE MAYFIELD**

§

**REPORT & RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

On June 29, 2006, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Jimmy Lee Mayfield. The government was represented by Wes Rivers, Assistant United States Attorney for the Eastern District of Texas, and the defendant was represented by appointed counsel, Ken Hawk.

Defendant originally pled guilty to possession with intent to distribute and distribution of cocaine base, a Class C felony. On December 30, 1997, U.S. District Judge John Hannah, Jr. sentenced Defendant to 70 months in prison followed by 3 years supervised release. On January 7, 2004, Defendant completed the term of imprisonment and began the term of supervised release.

In its petition, the government alleges that Defendant violated one condition of his supervised release, and at the hearing, the parties informed the Court that they had reached an agreement to resolve the alleged violation. Defendant agreed to plead true to violating the condition requiring that he not commit another federal, state, or local crime by committing the offense of delivery of cocaine in Gregg County, Texas. Defendant has been convicted of that charge and sentenced to sixteen years imprisonment by the 124<sup>th</sup> District Court of Gregg County, Texas. In exchange for his plea of true the government recommended that Defendant be imprisoned for eighteen months to be served

consecutively with the sixteen year sentence imposed by the Gregg County Court, with no supervised release to follow.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by committing the offense of delivery of cocaine, it may revoke Defendants term of imprisonment and impose a term of imprisonment no longer than five years. 18 U.S.C. § 3583(e). Delivery of cocaine constitutes a Grade A violation for which the Court must revoke supervised release in favor of a term of imprisonment. U.S.S.G. § 7B1.1(a); U.S.S.G. § 7B1.3(a)(1). The guideline range for a Grade A violation based on a criminal history category of III is 18 to 24 months. U.S.S.G. § 7B1.3(f) provides that any term of imprisonment imposed upon revocation of probation or supervised release shall be ordered to be served consecutively to any sentence of imprisonment that the Defendant is serving.

Pursuant to the Sentencing Reform Act of 1984, and the agreement of the parties, the Court RECOMMENDS that:

Defendant, Jimmy Lee Mayfield, be committed to the custody of the Bureau of Prisons for a term of imprisonment of 18 months to be served consecutively with the state sentence imposed for delivery of cocaine, with no supervised release to follow.

**So ORDERED and SIGNED this 30th day of June, 2006.**

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE